

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai'i 96813

September 12, 2008

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Land Board Members:

SUBJECT: ACCEPTANCE OF HEARING MASTER'S REPORT,
DESIGNATE BY RESOLUTION, WITHDRAWAL FROM
GOVERNOR'S PROCLAMATION DATED JUNE 12, 1907
AND RESET ASIDE TO DEPARTMENT OF LAND AND
NATURAL RESOURCES, DIVISION OF FORESTRY AND
WILDLIFE, NATURAL AREA RESERVE SYSTEM FOR
ADDITION TO THE HONO O NA PALI NATURAL AREA
RESERVE, WAIMEA, KAUAI, TAX MAP KEY: (4) 1-4-001:
PORTION OF 3

APPLICANT:

Department of Land and Natural Resources, Division of Forestry and Wildlife, Natural
Area Reserve System

LEGAL REFERENCE:

Section 171-11, 183-11, 195-4, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Napali-Kona and Puukapele Forest Reserve situated at
Waimea, Kauai, identified by Tax Map Key: (4) 1-4-1:portion of 3, as shown on the
attached map labeled Exhibit A.

AREA:

650 acres, more or less.

ZONING:

State Land Use District: Conservation

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

9/12/2008

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Governor's Proclamation dated June 12, 1907

PURPOSE OF SET ASIDE:

Addition to the Hono O Na Pali Natural Area Reserve

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

BACKGROUND:

Tax map key: 1-4-001-3 consists of approximately 21,160.810 acres. The "Proposed Hono O Na Pali Expansion" will cover approximately 650 acres. It is located between and adjacent to the existing Hono O Na Pali Natural Area Reserve (Governor's Executive Order No. 3161) and the Alakai Wilderness Preserve. The subject area is currently managed as a Forest Reserve and is used by the public as a public hunting area and for public recreation (hiking).

The Land Board at its meeting of October 28, 2005 (Item C-1), authorized the Department to conduct public hearings for the proposed Poamoho Natural Area Reserve and the proposed Hono O na Pali Natural Area Reserve, authorized the Chairperson to set the dates and times for the public hearings, and appoint a hearing master(s). The Land Board at its meeting of May 23, 2008 (Item C-6), authorized the Department to conduct a public hearing for the withdrawal of same area from the Na Pali-Kona Forest Reserve,

authorized the Chairperson to set the dates and time for the public hearing, and appoint a hearing master.

The public was notified by Notices of Public Hearing published in the Honolulu Star Bulletin, The Garden Island, The Maui News, the Hawai'i Tribune Herald, and the West Hawai'i Today on June 11, 2008. As an addition to the legal notification requirements, press releases were sent to local newspapers, and a memo to thirty-nine interested parties was sent, and after the hearing, written comment was accepted until July 20, 2008. A list of the interested parties that were contacted is included as Exhibit 2.

A public hearing was held in Kalaheo on July 7, 2008 pursuant to HRS Chapter 195-4(b), which requires the Department to conduct one or more public hearings prior to the designation of State land under the jurisdiction of the Department into the Natural Area Reserves System and HRS Chapter 183-12 and 183-13, which requires the Department to conduct one or more public hearings before revoking, modifying, or suspending any orders and proclamations or any part thereof which set apart the lands as forest reserves. No members of the public attended this meeting, the proceedings of which are summarized in the Hearing Master's report (Exhibit 3). Written testimony was received from the Hawai'i Audubon Society by regular post, in favor of the proposed addition to the Natural Area Reserves System (Exhibit 4).

DISCUSSION:

The Natural Area Reserves System was established to preserve and protect representative samples of Hawaiian biological ecosystems and geological formations for future generations. The system currently consists of 19 reserves on five islands, covering more than 109,000 acres. The diverse areas protected as Natural Area Reserves (NARS) range from marine and coastal environments to lava flows, rainforests, and alpine desert. These areas provide the last remaining habitat for many endangered species, as well as protect core areas important as watershed.

The proposed Hono O Na Pali expansion is recommended for inclusion in the Natural Area Reserve System, to provide increased protection and heightened management attention for a contiguous area running from the top of Mt. Waialeale to lowland ecosystems. Designating the 650 acres as a NAR will connect the Hono O Na Pali NAR with the Alakai Wilderness Preserve, creating a corridor of contiguous areas for conservation of native ecosystems, which will encourage management activities to preserve species that need larger ranges for their species' continued survival. This area contains intact native wet forest with several species of rare and endangered plants from the high-elevation bog community, is part of the core habitat for several species of endangered forest birds, and is likely rich with hundreds of species of native invertebrates. The draft proposal, approved in concept unanimously by the Natural Area Reserve Commission in August 2003, is attached as Exhibit 6.

Designation of a NAR provides an elevated level of protection for some of the most unique lands in the State, with the intention of ensuring that the State's biological and

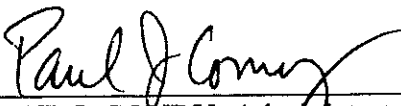
geological heritage will be protected for future generations. A formal set-aside of this area to DOFAW as an addition to Hono O Na Pali NAR would most accurately reflect the planned future management and provide needed long-term protection for the unique natural resources in the area, partially meeting DLNR's mission to restore and preserve unique natural ecosystems.

RECOMMENDATION: That the Board:

1. Accept the Hearing Master's Report dated August 8, 2008.
2. Designate by resolution the addition to Hono O Na Pali Natural Area Reserve.
3. Approve of and recommend to the Governor issuance of an executive order withdrawing 650 acres from the Governor's proclamation dated June 12, 1907 subject to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- ✓ 4. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the Department of Land and Natural Resources, Division of Forestry and Wildlife, Natural Area Reserve System under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and

- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,


PAUL J. CONRY, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:


LAURA H. THIELEN, Chairperson

Attachments:

- Exhibit 1: Proposal for the Extension of Hono O Na Pali Natural Area Reserve
- Exhibit 2: List of Interested Parties that Received the Notice of Public Hearing
- Exhibit 3: Hearing Master's Report with BLNR submittals for approval of those meetings from May 23, 2008 and October 28, 2005 attached.
- Exhibit 4: Public Testimony Received (Hawai'i Audubon Society, July 14, 2008)

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai'i 96813

September 12, 2008

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Land Board Members:

SUBJECT: DESIGNATE BY RESOLUTION AND RECOMMEND TO THE GOVERNOR THE ISSUANCE OF EXECUTIVE ORDERS TO WITHDRAW APPROXIMATELY 650 ACRES FROM NA PALI-KONA FOREST RESERVE (TMK (4) 1-4-001: PORTION 003), WAIMEA DISTRICT, KAUAI, FOR SET ASIDE TO HONO O NA PALI NATURAL AREA RESERVE. ACCEPTANCE OF HEARING MASTER'S REPORT ON A PUBLIC HEARING

BACKGROUND:

TMK 1-4-001-003 ("Proposed Hono O Na Pali Expansion") is currently within the Protective Subzone of the Conservation District. The parcel is approximately 650 acres, located between and adjacent to the existing Hono O Na Pali Natural Area Reserve and the Alakai Wilderness Preserve. This area is currently managed as a Forest Reserve and is used by the public as a public hunting area and for public recreation (hiking). For a map of the location, see the draft proposal (Exhibit 1).

Approval to hold a public hearing on the proposed Natural Area Reserve addition was obtained from the Chairperson on October 28, 2005, and approval to hold a public hearing on the proposed forest reserve withdrawal was obtained from the Chairperson on May 23, 2008. The public was notified by Notices of Public Hearing published in the Honolulu Star Bulletin, The Garden Island, The Maui News, the Hawai'i Tribune Herald, and the West Hawai'i Today on June 11, 2008. As an addition to the legal notification requirements, press releases were sent to local newspapers, and a memo to thirty-nine interested parties was sent, and after the hearing, written comment was accepted until July 20, 2008. A list of the interested parties that were contacted is included as Exhibit 2.

A public hearing was held in Kalaheo on July 7, 2008 pursuant to HRS Chapter 195-4(b), which requires the Department to conduct one or more public hearings prior to the designation of State land under the jurisdiction of the Department into the Natural Area Reserves System and HRS Chapter 183-12 and 183-13, which requires the Department to conduct one or more public hearings before revoking, modifying, or suspending any orders and proclamations or any part thereof which set apart the lands as forest reserves. No members of the public attended this meeting, the proceedings of which are summarized in the Hearing Master's report (Exhibit 3).

Written testimony was received from the Hawai'i Audubon Society by regular post, in favor of the proposed addition to the Natural Area Reserves System (Exhibit 4).

DISCUSSION:

The proposed Hono O Na Pali expansion is recommended for inclusion in the Natural Area Reserve System, to provide increased protection and heightened management attention for a contiguous area running from the top of Mt. Waialeale to lowland ecosystems. Designating this area as a NAR will connect the Hono O Na Pali NAR with the Alakai Wilderness Preserve, creating a corridor of contiguous areas for conservation of native ecosystems, which will encourage management activities to preserve species that need larger ranges for their species' continued survival. This area contains intact native wet forest with several species of rare and endangered plants from the high-elevation bog community, is part of the core habitat for several species of endangered forest birds, and is likely rich with hundreds of species of native invertebrates. The draft proposal, approved in concept unanimously by the Natural Area Reserve Commission in August 2003, is attached as Exhibit 1.

The Natural Area Reserves System was established to preserve and protect representative samples of Hawaiian biological ecosystems and geological formations for future generations. The system currently consists of 19 reserves on five islands, covering more than 109,000 acres. The diverse areas protected as Natural Area Reserves (NARS) range from marine and coastal environments to lava flows, rainforests, and alpine desert. These areas provide the last remaining habitat for many endangered species, as well as protect core areas important as watershed.

Designation of a NAR provides an elevated level of protection for some of the most unique lands in the State, with the intention of ensuring that the State's biological and geological heritage will be protected for future generations. A formal set-aside of this area to DOFAW as an addition to Hono O Na Pali NAR would most accurately reflect the planned future management and provide needed long-term protection for the unique natural resources in the area, partially meeting DLNR's mission to restore and preserve unique natural ecosystems.

LEGAL REFERENCE:

Section 183-11, 195-4, Hawaii Revised Statutes (HRS), as amended.

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APPLICANT REQUIREMENTS:

Applicant shall be required to provide survey maps and descriptions according to State DAGS standards and at Applicants own cost as required for an Executive Order.

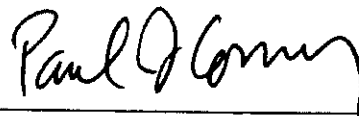
RECOMMENDATIONS:

That the Board of Land and Natural Resources, subject to the Applicant fulfilling the Applicant

Requirements above:

1. Accept the Hearing Master's report and minutes of the public hearing.
2. Adopt a resolution, subject to the approval of the governor by executive order setting the land aside for that purpose, to designate and bring under its control and management, as part of the Natural Area Reserves System, approximately 650 acres from Na Pali-Kona Forest Reserve (TMK (4) 1-4-001: portion 003), Waimea District, Kauai.
3. Approve of and recommend to the Governor the issuance of executive orders for the following items:
 - a. Withdrawing land from the operation of Governor's proclamation dated June 12, 1907 for approximately 650 acres from Na Pali-Kona Forest Reserve (TMK (4) 1-4-001: portion 003), Waimea District, Kauai.
 - b. Set aside to Hono O Na Pali Natural Area Reserve, approximately 650 acres (TMK (4) 1-4-001: portion 003), Waimea District, Kauai.

Respectfully submitted,



PAUL J. CONRY, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN, Chairperson
Board of Land and Natural Resources

Attachments:

- Exhibit 1: Proposal for the Extension of Hono O Na Pali Natural Area Reserve
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PROPOSAL FOR THE EXTENSION OF
HONO O NA PALI NATURAL AREA RESERVE
June 2003

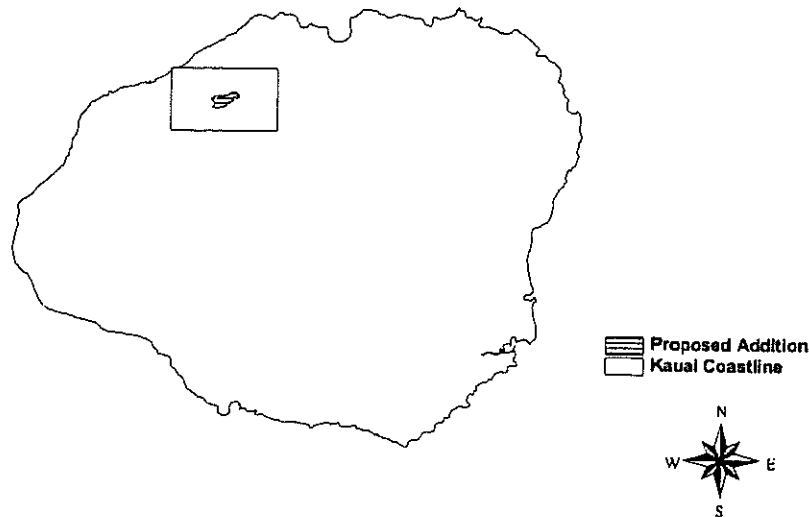
I. EXECUTIVE SUMMARY

The section of the Na Pali-Kona Forest Reserve between the Hono o Na Pali Natural Area Reserve (NAR) and the Alakai Wilderness is proposed for addition to the existing Hono o Na Pali NAR. Addition of this area would connect the NAR to the Wilderness Preserve and create an extended area of protection running from the mountains to the ocean. Several species of endangered plants are contained within the natural bog communities of this area and warrant continued protection.

II. INTRODUCTION (General)

DLNR proposes adding approximately 650 acres of the portion of the Na Pali-Kona Forest Reserve located between the existing Hono o Na Pali NAR and the Alakai Wilderness to Hono o Na Pali NAR.

Project Area



The area proposed for addition to the existing NAR has scientific value as an accessible location for study of threatened and endangered plants and animals, hosts several high elevation bogs, and contains several rare and endangered native species.

III. BACKGROUND/HISTORY

Past Land Use

The area described is located in the Conservation District and is part of the Na Pali-Kona Forest Reserve. The predominant past use of the area has been for recreation, conservation, and scientific research. The Na Ala Hele Pihea Trail forms the western border of the proposed addition, while the Na Ala Hele Alakai Swamp Trail follows the southern border of the proposed addition.

Present Land Use

The area continues to be used for conservation and recreation purposes. In addition, public hunting is allowed. The proposed addition is within State Hunting Unit E, the same State Hunting Unit that Hono o Na Pali NAR and the Alakai Wilderness Preserve are in.

Cultural/Recreational Uses

At the present time, there are no known cultural uses of this area.

Conservation History

The U.S. Fish & Wildlife Service and DLNR entered into a cooperative agreement in 1996 to carry out actions aimed at the construction and maintenance of fencing to protect nine high elevation bogs from the destructive actions of feral ungulates. While no bogs within the proposed addition were fenced, there are at least five identified bogs in this area that would benefit from inclusion in the NAR and associated management actions.

In addition, over the past decade, the Na Ala Hele program has constructed a boardwalk over most of the Alakai Swamp Trail and the Pihea trail that form the border for the proposed addition to the NAR. This boardwalk has improved access for scientists, hikers, nature lovers, bird watchers, photographers, and hunters, and at the same time has increased protection for the natural resources by providing a clear path for users of the area, limiting the amount of unintentional damage from trampling.

Previous Studies

While scientific research has likely occurred in this area, there is no specific collection of research covering this area.

IV. JUSTIFICATION (Specifics)

Scientific Value

This area may be of scientific value due to its accessibility and the number of native plants and animals.

Representativeness

No specific surveys have been conducted in the area proposed for addition to the NAR,

but from brief visual surveys, the proposed addition to the Hono o Na Pali NAR contains fairly intact example of native 'ohi'a dominated forest.

Rarity (species or within the system)

One of the natural communities found within the proposed addition, *Metrosideros polymorpha* mixed montane bog ('ohi'a mixed montane bog), can be considered rare.

According to records of the Hawaii Natural Heritage Program, the following rare species have been observed within the proposed addition:

- Plants:
 - Endangered: *Alsinidendron lychnoides*
 - Threatened: *Cyanea Recta* ('oha, haha, 'oha wai)
 - Species of Concern: *Lobelia yuccoides* (panaunau)
Asplenium Schizophyllum
Lysimachia daphnoides (kolokolo kuahiwi)
Eurya sandwicensis (anini, wanini)
Lagenifera erici
 - Candidate: *Dryopteris tenebrosa*
 - Rare: *Dubautia knudsenii* ssp *nagatae* (na'ena'e)
Myrsine petiolata (kolea)
Melicope waialealae (alani)
- Animals
 - Endangered: *Anas wyvilliana* (koloa)
Myadestes myadestinus (Kauai thrush, kama'o)
Psittirostra psittacea ('o'u)

It is suspected that thorough surveys would discover several species of rare native invertebrates within the area proposed for addition.

Finally, most of the proposed addition (with the exception of a small area in the southwest corner) is included within the recently designated critical habitat for threatened and endangered plants on Kauai. Specifically, the proposed addition is considered critical habitat for the following plants: *Exocarpus luteolus*, *Stenogyne campanulata*, *Platanthera holochila*, *Phyllostegia wawrana*, *Schiedea kauaiensis*, *Remya montgomeryi*, *Adenophorus periens*, and *Alsinidendron lychnoides*.

Biological/Ecological Design

The proposed addition to the Hono o Na Pali NAR primarily consists of 'ohi'a dominated forest communities, including a few small 'ohi'a mixed montane bogs that are part of the largest system of high elevation bogs in the Hawaiian Islands. More specific ecological information will have to be gathered through surveys.

Size

The overall size of the proposed addition to Hono o Na Pali NAR is approximately 650 acres.

Threats (Human/Biological)

Threats to the proposed addition to the Hono o Na Pali NAR include:

- grazing and trampling by feral ungulates, including pigs, deer, and goats; and
- invasion by non-native plants.

Present Level of Protection

The area under consideration for addition is protected by the rules and regulations pertaining to Conservation Districts and Forest Reserves. However, as part of the Forest Reserve, it does not receive the same level of management attention as do NARs and the Alakai Wilderness.

Long-term Ecological Viability

Adding this section to the NAR would connect the existing Hono o Na Pali NAR to the Alakai Wilderness Preserve. This connection would facilitate ecosystem-level conservation efforts by protecting a contiguous block of native habitat from Mount Waialeale to the ocean and result in increased protection for both the existing NAR and the Alakai Wilderness. Protection of additional bogs would enhance the long-term ecological viability of this natural community and better protect it against threats of feral animals and invasive species. Inclusion of the trail corridors of Pihea Trail and Alakai Swamp Trail within the proposed addition would provide additional funding opportunities for long-term management of these trails.

Environmental Consequences of No Action

The environmental consequence of no action on the northern section would result in limited protection for the strip of land bridging the Hono o Na Pali Natural Area Reserve and the Alakai Wilderness.

Urgency

While there is no immediate urgency to the proposed addition, failure to grant additional protection to this area as a NAR could reduce the quality of the natural resources over the long-term.

V. MANAGEMENT NEEDS

Threats Requiring Management

Threats to the proposed addition to the Hono o Na Pali NAR include:

- grazing and trampling by feral ungulates, including pigs, deer, and goats; and
- invasion by non-native plants.

Administrative (size, boundaries, access: roads & trails, maps more specific than in introduction, TMKs)

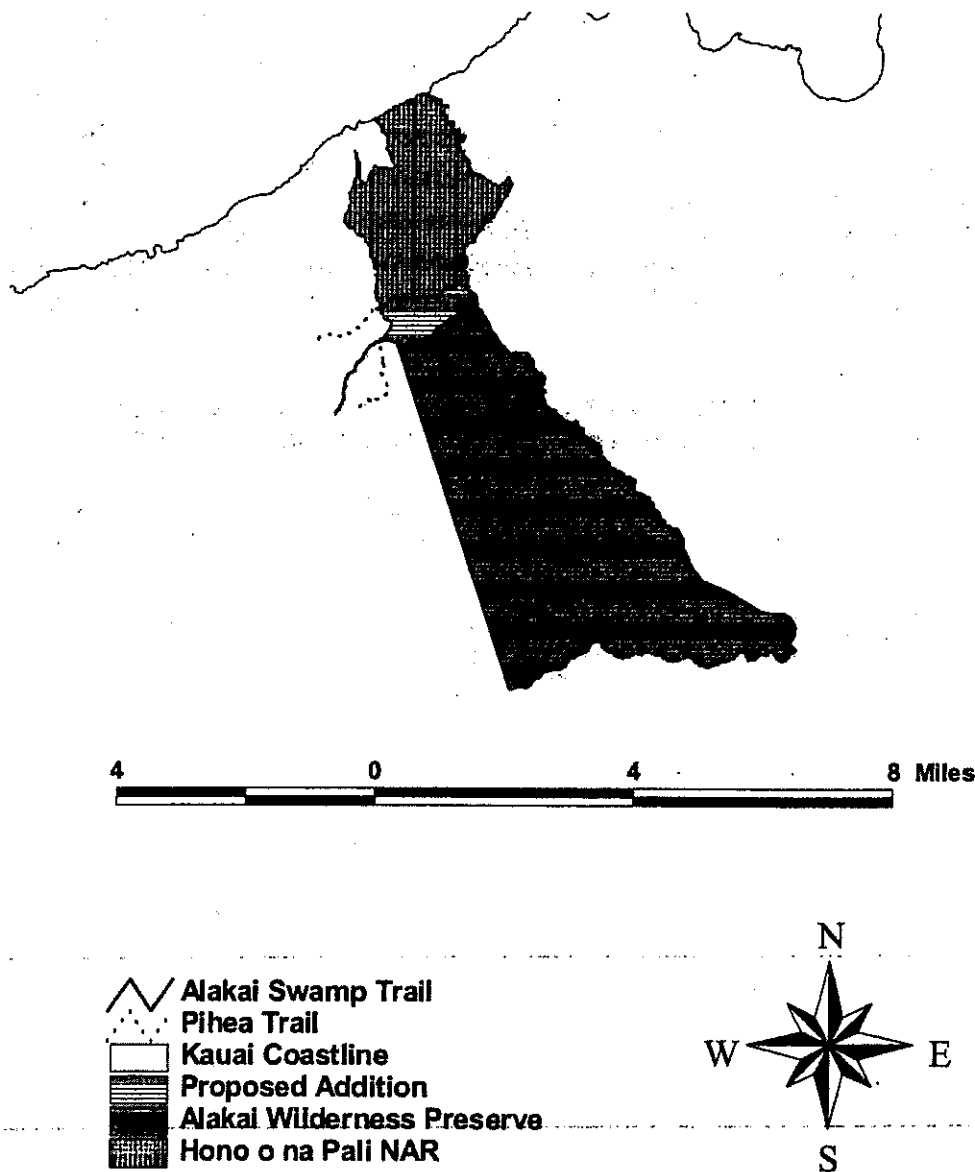
The approximate size of the proposed addition to Hono o Na Pali NAR is approximately 650 acres.

The boundaries of the proposed addition correspond to easily identifiable features. The northern boundary is the current boundary of the existing Hono o Na Pali NAR; the eastern boundary is the District boundary between Hanalei and Waimea Districts; the southern boundary is the current boundary of the Alakai Wilderness Preserve, and the western boundary is the Pihea Trail. This proposal envisions including the corridors of both the Alakai Swamp Trail and the Pihea Trail within the proposed addition to the existing NAR.

Access into the proposed addition is through the existing Pihea Trail along the western boundary and through the Alakai Swamp Trail along the southern boundary.

The area proposed for addition is State-owned Forest Reserve land currently under the administration of DLNR, Division of Forestry and Wildlife, and is part of TMK 4-1-4-001.

Hono o Na Pali NAR Proposed Addition



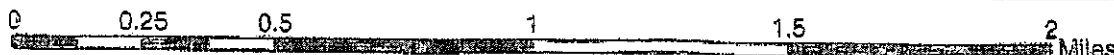
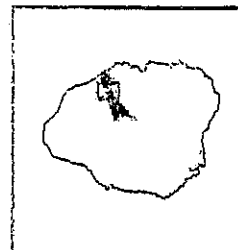
**Hono O Na Pali
Natural Area Reserve**

**Proposed
Expansion**

Alakai Wilderness Preserve



**Conceptual Map
Hono O Na Pali
Natural Area Reserve
Proposed Expansion**



HELL KANAWY, OPAWA
January 2004

VI. PUBLIC SUPPORT

Agencies, Organizations, and Individuals Contacted

Stakeholder Identification

Potential stakeholders include:

- DLNR, Na Ala Hele program
- DLNR, Division of State Parks
- DLNR, State Historic Preservation Division
- Kauai Watershed Partnership
- US Fish & Wildlife Service
- Kauai County
- Kokee Natural History Museum
- Kauai Hunting Association
- Kauai Aquatic Life and Wildlife Advisory Committee
- University of Hawai'i
- Others?

Support Letters

VII. BIBLIOGRAPHY/REFERENCES

- Information & Discussions with NARS Staff, Kauai Branch & Administration
- DLNR, Natural Area Reserves System. Hono o Na Pali Natural Area Reserve Management Plan. November 1989.
- Cooperative Agreement between Board of Land and Natural Resources, Wellington Fencing Company, and the US Department of the Interior, Fish and Wildlife Service for Bog Fencing on Kauai (FWS No. 14-48-0001-96607). 1996.
- Hawaii Natural Heritage Program Database
- U.S. Fish & Wildlife Service Critical Habitat Maps for Threatened and Endangered Species on Kauai

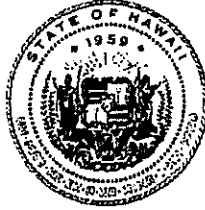
**** Legal Abstracts will be required for final Board approval ****

Exhibit 2

List of Interested Parties that received the Notice of Public Hearing

DLNR, Na Ala Hele program
DLNR, Division of State Parks
DLNR, State Historic Preservation Division
US Fish & Wildlife Service
Kauai County Council
Kokee Natural History Museum
Kauai Hunting Association
Kauai Aquatic Life and Wildlife Advisory Committee
NARS Commission members
Division of Aquatic Resources
Conservation Council of Hawai'i
Sierra Club – Kaua'i branch
Environment Hawai'i Inc.
Hawai'i Audubon Society
Hawaiian Botanical Society
Hawai'i Nature Center
Office of Hawaiian Affairs
Kauai Invasive Species Council
Kokee Resource Conservation Program
UH Environmental Center
Representative Roland Sagum III
Senator Gary Hooser
DOCARE
Hawai'i Natural Heritage Program
Garden Island Resource Conservation and Development
Hanalei Watershed Hui
Limahuli Garden (NTBG)
Hawaii Conservation Alliance
USDA Natural Resources Conservation Service
Na Pali Coast Ohana
Kauai Watershed Alliance members:
 Ben A. Dyre Family Limited Partnership
 Department of Water of the County of Kauai
 Kamehameha Schools
 Kaua'i Ranch, LLC
 Lihue Land Company
 McBryde Sugar Co
 Princeville Co.
 DLNR
 Grove Farm, Inc.

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOLEWEE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

August 6, 2008

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Land Board Members:

SUBJECT: MASTER'S REPORT ON PUBLIC HEARING

In accordance with the Notice of Public Hearing published in the Honolulu Star Bulletin, The Garden Island, The Hawai'i Tribune Herald, West Hawai'i Today, and The Maui News, on June 11, 2008, and as authorized by the Board of Land and Natural Resources, I have conducted a public hearing relative to the proposed withdrawal of approximately 650 acres from Na Pali-Kona Forest Reserve (TMK (4) 1-4-001: portion 003), Waimea District, Kauai, for set aside to Hono O Na Pali Natural Area Reserve.

Minutes of the Public Hearing, public hearing notice, and Board's approval dated May 23, 2008, are attached.

Michael Wysong

Natural Area Reserves System Kauai Manager

Public Hearing

Proposed Withdrawal of approximately 650 acres
from Na Pali-Kona Forest Reserve (TMK (4) 1-4-001: portion 003),
Waimea District, Kauai, for set aside to Hono O Na Pali Natural Area Reserve

Date: July 7, 2008

Time: 6:00pm

Place: Kalaheo Neighborhood Center, 4480 Papalina Rd. Kalaheo, HI 96741

IN ATTENDANCE:

Staff

Alvin Kyono, DLNR, DOFAW
Galen Kawakami, DLNR, DOFAW
Michael Wysong, DLNR, DOFAW
William Kaiaokamaile, DLNR, DOFAW
Christopher Mottley, DLNR, DOFAW
Randall Kennedy, DLNR, DOFAW
Emma Yuen, DLNR, DOFAW

The public hearing was commenced at 6:00pm, by Master Michael Wysong to receive testimonies, orally or in writing, concerning the proposed withdrawal of approximately 650 acres from Na Pali-Kona Forest Reserve (TMK (4) 1-4-001: portion 003), Waimea District, Kauai, for set aside to Hono O Na Pali Natural Area Reserve.

There was no one present to present neither written nor oral testimony. Hearing Master Wysong and staff waited until 6:30pm at which time he adjourned the meeting.

**NOTICE OF PUBLIC HEARING REGARDING PROPOSED WITHDRAWAL OF
APPROXIMATELY 650 ACRES FROM NA PALI-KONA FOREST RESERVE
(TMK (4) 1-4-001: portion 003), WAIMEA DISTRICT, KAUAI, FOR SET ASIDE
INTO HONO O NA PALI NATURAL AREA RESERVE**

DATE: Monday, July 7, 2008

TIME: 6:00 p.m.


PLACE: Kalaheo Neighborhood Center, 4480 Papalina Rd., Kalaheo, HI 96741

The Department of Land and Natural Resources, State of Hawai'i, pursuant to Chapter 195, 183-12 and 183-13 Hawai'i Revised Statutes will hold a public hearing in Kaua'i to receive testimony on the proposed designation of TMK (4) 1-4-001: portion 003 into the Natural Area Reserve System and withdrawn from the Na Pali-Kona Forest Reserve.

The proposed extension of Hono O Na Pali Natural Area Reserve (NAR) would encompass state owned land that is between and adjacent to the existing Hono O Na Pali Natural Area Reserve and the Alakai Reserve in the Waimea district of Kaua'i. The proposed area contains intact native wet forest with several species of rare and endangered plants and animals.

Any person may testify or present information at the public hearing. Copies of the Draft Nomination and a map of the area are available for inspection by contacting Emma Yuen at the DLNR Division of Forestry and Wildlife office, Room 325, 1151 Punchbowl St. Honolulu, Hawai'i 96813 or via e-mail at Emma.Yuen@hawaii.gov. If you desire to attend the above meeting and require auxiliary aids (taped materials or sign language interpreter) please request assistance 10 working days prior to hearing calling 587-4170. Persons unable to attend or wishing to present additional comments, may mail written testimony received no later than July 20, 2008, to the Chairperson, P. O. Box 621 Honolulu, Hawai'i 96809 with a copy sent to Emma Yuen at the address above, or via e-mail at dlnr@hawaii.gov.

BOARD OF LAND AND NATURAL RESOURCES


for LAURA H. THIELEN, Chairperson

PUBLICATION DATE: June 11, 2008

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai'i 96813

May 23, 2008

**Approved by the Board of
Land and Natural Resources
at its meeting held on**

5/23/2008

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Land Board Members:

**SUBJECT: REQUEST TO CONDUCT PUBLIC HEARING
REGARDING WITHDRAWAL OF APPROXIMATELY
650 ACRES FROM NA PALI-KONA FOREST
RESERVE (TMK (4) 1-4-001: portion 003), WAIMEA
DISTRICT, KAUAI, FOR SET ASIDE TO HONO O NA
PALI NATURAL AREA RESERVE**

DESCRIPTION OF AREA/CURRENT USE:

TMK 1-4-001-003 is currently comprised of a portion of Na Pali Kona Forest Reserve and the Alakai Wilderness Preserve, and lies within the Protective Subzone of the Conservation District. Approximately 650 acres of this Forest Reserve land ("Proposed Hono O Na Pali expansion"), located between and adjacent to the existing Hono O Na Pali Natural Area Reserve and the Alakai Wilderness Preserve is currently managed as a Forest Reserve and is used by the public as a public hunting area and for public recreation (hiking).

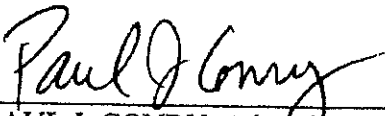
PROPOSED USE:

The proposed Hono O Na Pali expansion is recommended for inclusion in the Natural Area Reserve System, to provide increased protection and heightened management attention for a contiguous area running from the top of Mt. Waialeale to the ocean. This area contains intact native wet forest with several species of rare and endangered plants from the high-elevation bog community, is part of the core habitat for several species of endangered forest birds, and is likely rich with hundreds of species of native invertebrates. The draft proposal, approved in concept unanimously by the Natural Area Reserve Commission in August 2003, is attached as Exhibit 1.

ANALYSIS:

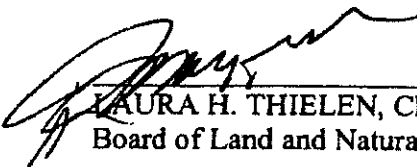
- 2) Authorize the Chairperson to set the date and time for the public hearing.
- 3) Authorize the Chairperson to appoint a hearing master for the public hearing.

Respectfully submitted,



PAUL J. CONRY, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN, Chairperson
Board of Land and Natural Resources

Attachments:

- Exhibit 1: Proposal for the Extension of Hono O Na Pali Natural Area Reserve
- Exhibit 2: Submittal for the meeting of the Board of Land and Natural Resources Friday, October 28, 2005
- Exhibit 3. Minutes for the meeting of the Board of Land and Natural Resources Friday, October 28, 2005

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife

October 28, 2005

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

SUBJECT: REQUEST TO CONDUCT PUBLIC HEARINGS REGARDING
DESIGNATION INTO THE NATURAL
AREA RESERVE SYSTEM STATE FOREST RESERVE
LANDS AT HONO O NA PALI, ISLAND OF KAUAI, AND
STATE FOREST RESERVE LANDS AT POAMOHU,
ISLAND OF OAHU

APPLICANT: Department of Land & Natural Resources
Division of Forestry & Wildlife
1151 Punchbowl Street, Room 325
Honolulu, HI 96813

LOCATION: Portion of Government lands situated at Hono o Na Pali, Kauai,
identified by TMK: 1-4-001-003; and

Portion of Government lands situated at Poamoho, Oahu, identified
by TMK: 7-2-001-006

AREA OF PARCEL: Hono o Na Pali: approximately 650 acres

Poamoho: approximately 1,300 acres

DESCRIPTION OF AREA/CURRENT USE:

TMK 1-4-001-003 ("Proposed Hono o Na Pali expansion") is currently State Forest Reserve (Na Pali-Kona Forest Reserve), within the Protective Subzone of the Conservation District. Located between and adjacent to the existing Hono o Na Pali Natural Area Reserve and the Alakai Reserve, the parcel is currently managed as a Forest Reserve and is used by the public as a public hunting area and for public recreation (hiking).

TMK 7-2-001-006 ("Proposed Poamoho Natural Area Reserve [NAR]) is currently State Forest Reserve (Ewa Forest Reserve, Poamoho section), within the Protective Subzone of the

ITEM C-1

Conservation District. Located on the leeward slope of the Koolau Mountains adjacent to the Oahu Forest National Wildlife Refuge, the parcel is currently managed as a Forest Reserve, is used as a public hunting area and for public recreation (hiking), and is part of the Kawaihoa Military Training Area (General Lease Number S-3846 and US Contract Number DA-94-626-ENG-78).

PROPOSED USE:

The proposed Hono o Na Pali expansion is recommended for inclusion in the Natural Area Reserve System, to provide increased protection and heightened management attention for a contiguous area running from the top of Mt. Waialeale to the ocean. This area contains intact native wet forest with several species of rare and endangered plants from the high-elevation bog community, is part of the core habitat for several species of endangered forest birds, and is likely rich with hundreds of species of native invertebrates. The draft proposal, approved in concept unanimously by the Natural Area Reserve Commission in August 2003, is attached as Exhibit 1.

The proposed Poamoho NAR is recommended for inclusion in the Natural Area Reserve System, to protect natural communities of the Koolau wet summit crest zone that are not well represented in the existing Natural Area Reserve System. The proposed area (the portion of the parcel located above the 1,800 foot elevation) contains numerous rare native plants and habitat for several native animal species, including the endangered 'ōpe'ape'a (Hawaiian hoary bat), endangered forest birds, and endangered tree snails. The draft proposal, approved in concept unanimously by the Natural Area Reserves Commission in September 2001, is attached as Exhibit 2.

ANALYSIS:

The Natural Area Reserves system was established to preserve and protect representative samples of Hawaiian biological ecosystems and geological formations for future generations. The system currently consists of 19 reserves on five islands, covering more than 109,000 acres. The diverse areas protected as natural area reserves (NARS) range from marine and coastal environments to lava flows, rainforests, and alpine desert. These areas provide the last remaining habitat for many endangered species, as well as protect core areas important as watershed.

Designation as a NAR provides an elevated level of protection for some of the most unique lands in the State, ensuring that the State's biological and geological heritage will be protected for future generations. The recent passage of the Legacy Lands Act, specifically authorizing the Department to use funds from the Natural Area Reserves Special Fund for management of the natural area reserves system, provides an additional benefit of designation of NAR in the form of increased funding for management actions needed to ensure preservation of native ecosystems.

HRS Chapter 195-4(b) requires the Department to conduct one or more public hearings prior to the designation of State lands under the jurisdiction of the Department into the Natural Area

Reserves system. The Natural Area Reserves Commission and NARS Staff recommend the designation of the above two areas, and request permission to conduct the required public hearing on the appropriate island. After the public hearing is conducted, the Division will return to the Board for final decision and action on each proposed designation.

RECOMMENDATION:

That the Board :

- 1) grant permission to conduct a public hearing on Kauai regarding designation of State Forest Reserve land at Hono o Na Pali, Island of Kauai, TMK: 1-4-001-003 into the Natural Area Reserves System;
- 2) grant permission to conduct a public hearing on Oahu regarding designation of State Forest Reserve land at Poamoho, Island of Oahu, TMK: 7-2-001-006 into the Natural Area Reserves system;
- 3) authorize the Chairperson to set the dates and times for the respective public hearings; and
- 4) authorize the Chairperson to appoint hearing master(s) for the respective public hearings.

Respectfully submitted,

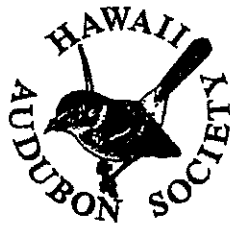

PAUL J. CONRY
Administrator

Attachments:

Exhibit 1: Proposal for the Extension of Hono o Na Pali Natural Area Reserve
Exhibit 2: Proposal for the Designation of a Poamoho Natural Area Reserve

APPROVED FOR SUBMITTAL:


✓ PETER T. YOUNG, Chairperson
Board of Land & Natural Resources



For the Protection of Hawaii's Native Wildlife
HAWAII AUDUBON SOCIETY

850 Richards Street, Suite 505, Honolulu, HI 96813-4709

Phone/Fax: (808) 528-1432; hiaudsoc@pixi.com

www.hawaii-audubon.com

FORESTERY & WILDLIFE
STATE OF HAWAII

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RECEIVED

Chairperson
Natural Area Reserve System Commission
P.O. Box 621
Honolulu, Hawaii 96809

Sir:

The Hawaii Audubon Society has received the Notice of Public Hearing on the proposed withdrawal of approximately 650 acres from Na Pali-Kona Forest Reserve for set aside into the Hono O Na Pali Natural Area Reserve.

The proposal would include state owned Forest Reserve land between and adjacent to the existing Hono O Na Pali Natural Area Reserve and the Alakai Wilderness Preserve. The area contains intact native wet forest with several species of rare and endangered plants and animals.

As the addition contains threatened and endangered plants and birds; includes several unique bog habitats and encompasses two trails providing access for research, hiking, birding and hunting, the action is entirely appropriate.

The Hawaii Audubon Society is in favor of the proposed addition and would like to be kept informed of progress.

Sincerely,

Ronald L. Walker
Vice President

Cc: Emma Yuen